Any patent application processing fees under 37 CFR 1.17

The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Dated: October 4, 1985

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O W

> 700 S. Flower St., Suite 2200 Los Angeles, CA 90017 (213) 688-7407

Joseph E. Mueth

Respectfully submitted

Registration No. 20,532

								
DIVISION	N-CONTINUA	A ION PROGR	AM APPLIC	ATION	TRANSMITTAL	FULL		DOCKET NO
DOCKETN		ANTICIPATED			PRIOR APPLICA		L07-1	45D
		OF THIS APPLI	CATION: SUBCLASS	ION	EXAMINER	TON:	i	lane
107-1	45D				J. Spieg	-1	-,	128
					o. Sprey	- -		120
To the C	ommissioner (of Patents and	Trademarks:					
This is a	request for fil	ing a 🔲 cont	tinuation [divisio	onal application u	nder 37 CFR 1	.60, of p	ending prior a
applicati	on serial no	784.857	filed on	0	ctober 4	19	85	of
A.	Said El	Shami			METHOD FOR LIGANDS I			
		FOR MEAS		AME.	,			•
l. origin	Enclosed is a ally filed. I he	copy of the lat ereby verify th	est inventor at the attach	signed ;	prior application, ers are a true copy	including the o	ath or d	eclaration as
ł								
applic	ation serial no	o. <u>784,8</u>	57 as origin	nally fil	ed on OC owledge are true a	tober 4	1	9 <u>85</u> , and
tion a	nd belief are b	pelieved to be t	rue; and fru	ther th	at these statement	s were made w	ements r ith the k	nade on informa- cnowledge that
willfu	l false stateme	nts and the lik	e so made ar	e punis	hable by fine or ir	nprisonment, c	r both,	under section
of the	of Title 18 of application o	rany patent is:	ites Code and suing thereoi	i that s	uch willful false st	atements may	jeopardi	ze the validity
Claims	(1) For	(2) Numbe			Number extra	(4) Rate	1(5)	Calculations
ALCONOMISMS	Total Claims	1	- 20=	(0)		X \$12.00	\$	
delication of	Independent	 	- 3=		0			·
gostinians	Claims	2			0	X \$34.00		
2.00 3 1138 C		pendent Claim(+\$110.00		
Sample of Williams	AND SECOND		Tanilla year in the	HILL BEST OF	Bas	ic fee	· .	+ \$340.00
				didings.	Total of above		1	
	Reduction by	/ 1/2 for fili le, affidavit	ng by small must be fil	entity ed also		9. 1.27, 1.28)) -	
e e e e e e e e e e e e e e e e e e e	(C. 22 (C. 24)	Programme and the second	TIME NOTE AND ADDRESS OF		Total Na	tional Fee		340.00
1					e any fees which i	nay be require	d, or cre	dit any over-
F	ayment to De	posit Account	No. $13-4$	892	A duplicat	e copy of this	sheet is	enclosed.
3-,□	A check in the	amount of \$	340.00	i	s enclosed.			
		application ori						
5	of the prior ap se retained for	plication before for the purpose	re calculating (s.)	the til	ing fee. (At least	one original in	depende	ent claim must
5. 🙀 🗈	Amend the spe	ecification by i	nserting befo	ore the	first line the sente	nce: This app	lication	is a
				•				t. 4,1985
a fi	6. Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in prior application file. (May only be used if signed by person authorized by \$1.138 and before payment of issue fee.)							

a. New formal drawings are enclosed.	
b. LI Priority of application seriel no	
b. Priority of application serial no filed on	
(country)	
The certified copy has been filed in prior application filed	serial no.
	•
The prior application is assigned of record toDiagnostic	PRODUCTS Corporation
A preliminary amendment is enclosed.	
A verified statement claiming small entity status is encid	sed in parent application
Serial Number, filed	and is still proper.
Also enclosed	
The power of attorney in the prior application is to	
Joseph E. Mueth, REgistration No.	20,532
·	
a. The power appears in the original papers in the prior applicat	rion
b. Since the power does not appear in the original papers, a cop	
B enclosed.	••
c. Ex Address all future communications: (May only be complete of record)	d by applicant, or attorney or agent
or record,	
of record) Loseph F. Mueth, 700 S. Flower St. Los Angeles, CA 90	#2200
Joseph F. Mueth. 700 S. Flower St.	#2200
Joseph E. Mueth, 700 S. Flower St. Los Angeles, CA 90	#2200
Joseph E. Mueth, 700 S. Flower St. Los Angeles, CA 90 Telephone (213) 688-7407	#2200
Joseph E. Mueth, 700 S. Flower St. Los Angeles, CA 90	#2200 0017 Mwth
Joseph F. Mueth. 700 S. Flower St. Los Angeles, CA 90 Telephone (213) 688-7407	#2200
Telephone (213) 688-7407 Address of signator: inventor(s)	#2200 0017 Mwth
Telephone (213) 688-7407 Telephone (213) 688-7407 Address of signator: inventor(s) assignee of complete interest	#2200 0017 Mmth
Telephone (213) 688-7407 Telephone (213) 688-7407 Address of signator: inventor(s) assignee of complete interest	#2200 0017 Mmth
Telephone (213) 688-7407 Telephone (213) 688-7407 Address of signator: inventor(s) assignee of complete interest	#2200 0017 Mmth
Telephone (213) 688-7407 Telephone (213) 688-7407 Address of signator: inventor(s) assignee of complete interest	#2200 0017 Mmth

107 **-** 145D - C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		Anticipated (Classification of this application:
		Class	Subclass
		Prior applica	
			ROSEN, S.
		Art Unit:	1902
Commissio	t Application oner of Patents and Trade n, D.C. 20231	marks	
	TRANSMITTAL OF	FILING UNI	DER 37 CFR 1.60(b)
WARNING:	A C-I-P (continuation-in-part) car	nnot be filed und	er 37 CFR 1.60(b).
WARNING:			le if the "prior application was a nonprovisiona h in § 1.51(a)(1)." 37 C.F.R. § 1.60(b)(1).
WARNING:	Filing under 37 CFR 1.60 is permi in the prior application. 37 CFR		y the same or less than all the inventors named
WARNING:	The filing of an application at the oath or declaration. 37 CFR 1.61		age of an International Application requires at
WARNING:	of the new application are drawn t	to the same invent d on the grounds	iected in the first Office action where all claims ion claimed in the earlier application and would or art of record in the next Office action if the § 706.07(b).
This is a	request for filing a		
XX (Continuation		
	Divisional		
applicatio	n under 37 CFR 1.60, of po	ending prior a	pplication
Serial No.	07/303,712	_ filed on	1/27/89
			(Date)
	CERTIFICATI	ION UNDER 37	CFR 1.10
with the United	States Postal Service on this date.	3/9/98	rred to as attached therein are being deposited in an envelope as "Express illing Label Number <u>E1262826088US</u>

I hereby certify that this 37 CFR 1.60 request and the with the United States Postal Service on this date ___ Mail Post Office to Addressee" service under 33 addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

(type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b)).

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

of	Said El Shami
	(Inventor(s))
for M	ETHOD FOR MEASUIRNG FREE LIGANDS IN BIOLOGICAL FLUIDS AND
	(Title of invention)
A	SSAY KITS FOR MEASUIRNG SAME
NOTE	: 37 CFR 1.60 permits the omission of a declaration only if the prior application was complete as set forth in 37 CFR 1.51(a), namely, the prior application comprised at least (1) a specification, including a claim or claims; (2) a declaration; (3) drawings when necessary; and (4) the prescribed filing fee. Accordingly, as presently worded, 37 CFR 1.60 does not permit this procedure to be used where the prior application is pending but only the processing and retention fee required by 37 CFR 1.21(I) is paid or where the declaration was not filed.
1. Co	ppy of Prior Application as Filed That is Attached
NOTE:	Under 37 CFR 1.60, practice signing and execution of the application by the applicant may be omitted provided the copy is supplied by and accompanied by a statement by the applicant or his or her attorney or agent that the application papers comprise a true copy of the prior application as filed and that no amendments referred to in the declaration filed to complete the prior application introduced new matter therein.
NOTE:	This statement need not be verified if made by an attorney registered to practice before the PTO. (37 CFR 1.60(b)).
	I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed. (37 CFR 1.60(b)(2))
The	copy of the papers of prior application as filed which are attached are as follows:
į	XX <u>29</u> page(s) of specification
į	XX4 page(s) of claims
i	Y 1 page(s) of abstract
	XX: 10 sheet(s) of drawing
	(also complete part 6 below, if drawings are to be transferred)

XX _____ pages of declaration and power of attorney

(If the copy of the declaration being filed does not show applicant's signature, because the attorney's records do not contain a copy of the signed declaration actually filed for the application, indicate thereon that it was signed and complete the following:)

in accordance with the indication required by 37 CFR 60(b), my
records reflect that the original signed declaration showing appli-
cant's signature was filed on

the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

(37 CFR 1.60(b) [4-3]-page 2 of 9)

2. Amendments . WARNING: "The claim of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application." MPEP § 706.07(b). ☐ Cancel in this application original claims _ application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.) NOTE: Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting the filing date. 37 CFR 1.60(b)(4). NOTE: "When filing under Rule 1.60 retain at least one original claim from the patent application to assure a complete application." Notice of March 3, 1986 (1064 O.G. 37-38). 3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary). (check the next item, if applicable) ☐ There is provided herewith a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently). 4. Information Disclosure Statement (check this item, if applicable)

An information disclosure statement is submitted herewith.

·		CLAI	MS AS	FILED		
Number filed		Num	ber Extra		Rate	Basic Fee 37 CFR 1.16(a) \$730.00
Total Claims (37 CFR 1.16(c)) 13	-20=	-0-	×	\$ 22.00	-0-
Independent Claims (37 CFR 1.16(t))) ·2`	-3=	- 0-	· ×	\$ 76.00	-0-
Multiple dependent clar (37 CFR 1.16(d))	im(s), if any	y		+	\$240.00	
☐ Fee for ex	tra claims	is not be	eing paid	d at this	time. (37 CFI	R 1.16(d))
NOTE: If the fees for exp prior to the exp 37 CFR 1.16(d).	iration of the	not paid on time period	filing they d set for re	must be p esponse b	aid or the claims o y the PTO in any	ancelled by amendment, notice of fee deficiency.
	Fi	ling Fee	Calculat	ion	\$.	790.00
6. Small Entity State	ıs					
☐ A verified	statement	that this	filing is	by a sn	nall entity:	
☐ is atta	ched					
	een filed in d (37 CFR		ent appli	cation a	nd such statu	s is still proper and
	Fi	ling Fee	Calculat	ion (50%	6 of above) \$.	
NOTE: Any excess of t date of timely pa	he full fee pa syment of a fu	id will be r Il fee then t	refunded if the excess	' a verified fee paid w	statement is filed ill be refunded on	d within 2 months of the request. 37 CFR 1.28(a).
NOTE: 37 CFR 1.28(a), last sentence states: "Applications filed under § 1.60 or § 1.62 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."						
7. Drawings						
□ Drawings	are enclos	ed				
☐ forma	I					
☐ inform						
WARNING: DO NOT submit original drawings. A high quality copy of drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, while smooth, and non-shiny paper and meet the standards of § 1.84. If corrections to the drawing are necessary, they should be made to the original drawings and a high-quality copy of the corrections original drawing then submitted to the Office. Only one copy is required or desired. Comment on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1090 O.G. 57-62).						

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c)).

(37 CFR 1.60(b) [4-3]—page 4 of 9)

8.	Priori	ty—3	95 U.S.C. 119
	. 🗆	Pri	ority of application Serial No. 0 / filed on
		cla	imed under 35 U.S.C. 119. (country)
			The certified copy has been filed in prior U.S. application Serial No.
	•		0 / on
			The certified copy will follow.
9.	Relate	е Ва	ck—35 U.S.C. 120
	×		nend the specification by inserting, before the first line, the following sentence:
			nis is a
		⊠k	continuation
			divisional
	\mathcal{T}	of	copending application(s)
سرو	6/	*X	Serial number 07 / 303,712 filed on filed
			International Application and which designated the U.S."
N			oper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. number and the filing date of the PCT application which designated the U.S.
40			
10.			ship Statement
N	a o	pplica f the	continuation or divisional application is filed by less than all the inventors named in the prior ation a statement must accompany the application when filed requesting deletion of the names person or persons who are not inventors of the invention being claimed in the continuation or nal application." 37 CFR 1.60(b)(4) [emphasis added].
			(complete appropriate items (a) and (b))
(6	a) Wit		spect to the prior copending U.S. application from which this application ims benefit under 35 USC 120 the inventor(s) in this application is (are):
			(complete applicable item below)
		X	the same
			less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:
			(type name(s) of inventor(s) to be deleted)
(1	o) The	e inv	entorship for all the claims in this application are
		{ }	the same
			not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

(37 CFR 1.60(b) [4-3]—page 5 of 9)

11.	Assi	gnm	ent		
	\boxtimes	< Th	e prior application is assigned of record to Diagnostic Products Corporation		
		An	assignment of the invention to		
		AC	attached. A separate [] "COVER SHEET FOR ASSIGNORMANYING NEW PATENT APPLICATION" or [] Fached.	NM ORI	IENT (DOCUMENT M PTO 1595 is also
NO	TE: *	if an a nd or	essignment is submitted with a new application, send two separate le ne for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).	tters	- one for the application
NO	TE: V a	Vhen state	an assignee files a divisional application (under 1.60 ment filed under 37 CFR 3.73(b) in the parent application, or a co lotice of April 30, 1993, 1150 O.G. 62-64.	.) ref	erence may be made to f that statement may be
12.	Fee	Payr	ment Being Made At This Time	•	•
		No	t Enclosed		
			No filing fee is submitted. (This and the surcharge requand can be paid subsequently).	uire	d by 37 CFR 1.16(e)
	ΚX	End	closed		
		怒	basic filing fee	\$_	790.00
	·		recording assignment (\$40.00; 37 CFR 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW PATENT APPLICATION".)		
			processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$	
NOT	fa. Ci ba	iling t FR 1.: ssic fil	1.21(I) establishes a fee for processing and retaining any applica o complete the application pursuant to 37 CFR 1.53(d) and this, a 53 and 1.78 indicate that in order to obtain the benefit of a prior ling fee must be paid or else the processing and retention fee of § from notification under § 53(d).	us we	all as the changes to 37 application, either the
			Total fees enclosed	\$_	790.00
13.	Meth	od c	f Payment of Fees		
	\B	Enc	losed is a check in the amount of \$_790.00		
			rge Account No in the amount of uplicate of this request is attached.	f \$_	•
NOT			ould be itemized in such a manner that is clear for which purpose	e the	fees are paid. 37 CFR
					•

(37 CFR 1.60(b) [4-3]—page 6 of 9)

14. Author	orization	То	Charge	Additional	Fees
------------	-----------	----	--------	------------	------

WARNING: If no fees are being paid on filing do not complete this item.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 13-4892

FORM 4-3

- 27 CFR 1.16 (a), (f) or (g) (filing fees)
- X 37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed." [emphasis added]. Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b)).
- NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b)).
- NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

15. Power of Attorney

The power of attorney in the prior application is to Joseph E. Mueth, Esq.

20 532

(Attorney)

(Rea. No.)

- a.

 The power appears in the original papers in the prior application.
- b.

 Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c.

 A new power has been executed and is attached.
- d. Address all future communications to

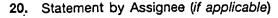
(item d may only be completed by applicant, or attorney or agent of record)

Joseph E. Mueth, Esq. 225 South Lake Avenue, 8th Floor Pasadena, CA 91101

(37 CFR 1.60(b) [4-3]—page 7 of 9)

16. Maintenance of Cog Pency of Prior Application
(this item must be completed and the papers filed in the prior application if the period set in the prior application has run.)
A petition, fee and response has been filed to extend the term in the pending prior application until
NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for respons is filed with the papers constituting the filing of the Continuation Application. Notice of November 5, 1985 (1060 O.G. 27).
 A copy of the petition for extension of time in the prior application is attached.
17. Conditional Petition for Extension of Time in Prior Application
(complete this item and file conditional petition in the prior application if previous item not applicable)
A conditional petition for extension of time is being filed in the pending parent application.
NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the paper constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).
 A copy of the conditional petition for extension of time in the prior application is attached.
18. Abandonment of Prior Application (if applicable)
WARNING: (Do not complete this item if the application being filed is a divisional of the prior application which is not being abandoned).
NOTE: "A registered attorney or agent acting under the provisions of § 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.
Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.
19. Notification in Parent Application of the Filing of This Continuation Application
☐ A notification of the filing of this continuation is being filed in the parent application from which this application claims priority under 35 USC § 120.

(37 CFR 1.60(b) [4-3]—page 8 of 9)



⊠k	In accordance with 37 CFR 3.73, I have reviewed the evidentiary documents
	establishing my/our ownership of the application identified herein, and certify that
	to the best of my/our knowledge and belief, title is with me/us who seek to take action.

☐ Assignment submitted herewith for recordal

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

	Joseph E. Mueth
March 9, 1998	(type or print name of person signing declaration)
Date	Signature / /
225 South Lake Avenue, 8th Floor	
(P.O. Address of Signatory) Pasadena, CA 91101	
	 Inventor Assignee of complete interest Person authorized to sign on behalf of assignee
Tel. No. :(626) 584-0396 Reg. No. 20,532 (if applicable)	Attorney or agent of record Filed under Rule 34(a)
(complete the fo	llowing if applicable)
Diagnostic Products Corporation	Attorney of Record
(Type name of assignee)	(Title of person authorized to sign on behalf
5700 West 96th Street	of assignee)
(Address of assignee)	Assignment recorded in PTO on
Los Angeles, CA 90045	10/4/85
	Reel <u>4467</u> Frame <u>923</u>
The statement under 37 CFR 3.73(b)	
has been filed in the parent ap	plication.
,	usly filed in the parent application is attached.
,	(37 CFR 1.60(b) [4-3]—page 9 of 9)

EXPRESS MAIL CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (Label No. B34445114) in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on October 4, 1985.

Dated: October 4, 1985

For Joseph E. Mueth Registration No. 20,532

700 S. Flower St., Suite 2200 Los Angeles, California 90017 (213) 688-7407